

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

JOANN ABBO-BRADLEY, Individually and as )  
Parent and Natural Guardian of DYLAN J. )  
BRADLEY, TREVOR A. BRADLEY and )  
CHASE Q. BRADLEY, Infants; ZACHARY )  
and MELANIE HERR, Individually and as )  
Parent and Natural Guardian of COLETON )  
HERR and HEATHER HERR, Infants; )  
NATHAN E. and ELENA KORSON, )  
Individually and as Parent and Natural Guardian )  
of LOGAN J. KORSON, an Infant, )

Plaintiffs, )

v. )

CITY OF NIAGARA FALLS; NIAGARA )  
FALLS WATER BOARD; GLENN SPRINGS )  
HOLDINGS, INC.; CONESTOGA-ROVERS & )  
ASSOCIATES; CECOS INTERNATIONAL, )  
INC.; EDWARD S. ROBERTS; GROSS PHC )  
LLC; KANDEY COMPANY, INC.; MILLER )  
SPRINGS REMEDIATION MANAGEMENT, )  
INC.; OCCIDENTAL PETROLEUM )  
CORPORATION (HOOKER), Individually and )  
as Successor in Interest to Hooker Chemicals )  
and Plastics Corporation; OXY, INC., f/k/a )  
OCCIDENTAL CHEMICAL CORPORATION, )  
Individually and as Successor in Interest to )  
Hooker Chemicals and Plastics Corporation; OP- )  
TECH ENVIRONMENTAL SERVICES; )  
ROY'S PLUMBING, INC.; SCOTT LAWN )  
YARD, INC.; and SEVENSON )  
ENVIRONMENTAL SERVICES, INC., )

Defendants. )

Civil Action No. 1:13-cv-00487

**NOTICE OF MOTION FOR  
PRELIMINARY INJUNCTION**

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PLEASE TAKE NOTICE that, upon the First Amended Complaint, the annexed Affidavit of Kevin M. Hogan, sworn to on the 3rd day of June, 2013, and the exhibits attached thereto, the Memorandum of Law submitted herewith, and upon all the pleadings and

1. Enjoining plaintiffs and their attorneys from engaging in any environmental sampling in the neighborhood surrounding the Love Canal site, without providing Glenn Springs Holdings, Inc. (“GSH”) (a) written notice at least 96 hours prior to any such environmental sampling, (b) contemporaneous access to such environmental sampling, and (c) an opportunity to take split samples of all such environmental samples; and

2. Granting GSH such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that GSH intends to serve reply papers.

Dated: Buffalo, New York  
June 3, 2013

PHILLIPS LYTLE LLP

By /s/ Kevin M. Hogan  
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Scott T. Pelozo  
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